

Mar 21 2007

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence, totaling 11 pages is being facsimile transmitted to the United States Patent and Trademark Office at facsimile no.: 571-273-2900 (Central number) on the below date.

Date: March 21, 2007 Name: Lawrence G. Almeda

Signature: BRINKS
HOFER
GILSON
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Michael J. Borelli

Appln. No.: 10/764,316

Filed: January 23, 2004

For: METHODS AND COMPOSITIONS FOR
HEAT ACTIVATED GENE THERAPY
USING CYTOLETHAL DISTENDING
TOXIN

Examiner: Chong, Kimberly

Art Unit: 1635

Attorney Docket No: 10546-109

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Transmittal (duplicate); Amendment and Request for Reconsideration;
☐ Return Receipt Postcard

Fee calculation:

- ☐ No additional fee is required.
☒ Small Entity.
☒ An extension fee in an amount of \$60.00 for a one-month extension of time under 37 C.F.R. § 1.136(a).

Fee payment:

- ☐ A check in the amount of \$_____ is enclosed.
☒ Please charge Deposit Account No. 23-1925 in the amount of \$60.00. A copy of this Transmittal is enclosed for this purpose.
☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17, associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

March 21, 2007

Date

Respectfully submitted,



Lawrence G. Almeda (Reg. No. 46,151)

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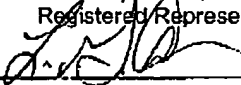
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Commissioner for Patents
P.O. Box 1450
Alexandra, VA 22313-1450
on March 21, 2007

Date of Deposit
Lawrence G. Almeda

Name of applicant, assignee or
Registered Representative


Signature
March 21, 2007

Date of Signature

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Our Case No. 10546-109

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

MICHAEL J. BORRELI

Serial No. 10/764,316

Filing Date: January 23, 2004

For: METHODS AND COMPOSITIONS FOR
HEAT ACTIVATED GENE THERAPY
USING CYTOLETHAL DISTENDING
TOXIN

Examiner:
Chong, Kimberly

Group Art Unit No.
1635

AMENDMENT AND REQUEST FOR RECONSIDERATION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated November 22, 2006, Applicants have timely filed this Amendment by a Certificate under 37 C.F.R. §1.8. A fee statement calculating any fee(s) presently due in connection with the filing of this paper, along with an authorization to charge any fee deficiency to Deposit Account No. 23-1925.

Applicants respectfully request the Examiner to withdraw the objections and rejections